

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JANUARY 22, 2015**

PRESENT: Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
Julie Strandlie, Mason District  
James R. Hart, Commissioner At-Large  
John C. Ulfelder, Dranesville District  
James T. Migliaccio, Lee District  
Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District  
John L. Litzenberger, Jr., Sully District  
Janyce N. Hedetniemi, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Ellen J. Hurley, Braddock District

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy reminded Commissioners to submit their committee preferences and said that the committees would be reaffirmed the week of January 26, 2015.

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Commissioner Migliaccio announced that due to the cancellation of the January 21, 2015, Planning Commission meeting, the public hearing on SE 2014-LE-035, Haimanot Yidengitu, Hami's Home Child Care, would be rescheduled to a date to be determined in February.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee had met earlier this evening and noted that it was almost finished with the transportation section of the Tysons Plan Amendment. He noted that the committee would next review the public facilities portion of the amendment and stated that he would announce the next meeting date at the Commission's next meeting.

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RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC (Decision Only)  
(The public hearing on this application was held on January 14, 2015.)

Commissioner Strandlie: Tonight we scheduled a decision on the Spectrum Development project. I would like to make a motion at this time. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-MA-011 AND SE 2014-MA-013 TO A DATE CERTAIN OF FEBRUARY 11<sup>TH</sup>, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT TO ALLOW THE APPLICANT ADDITIONAL TIME TO MAKE REVISIONS TO THEIR APPLICATION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer decision only again on RZ 2014-MA-011 and SE 2014-MA-013 to a date certain of February 11<sup>th</sup>, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Strandlie.

Commissioner Hart: Oh, Mr. Chairman?

Chairman Murphy: Yes, go ahead.

Commissioner Hart: I had recused myself on this case. If I can just be recorded as not voting throughout, I'm not participating in this vote.

Chairman Murphy: Okay.

Commissioner Strandlie: I ALSO MOVE THAT THE BOARD OF SUPERVISORS DEFER THEIR DECISION, PENDING PLANNING COMMITTEE [*sic*] ACTION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioner Hart recused himself from the vote; Commissioner Hurley was absent from the meeting.

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SE 2014-MV-020 – KAUSAR S. MIRZA d/b/a FUNLAND MINI CENTER (Decision Only)  
(The public hearing on this application was held on January 8, 2015.)

Commissioner Flanagan: Thank you, Mr. Chairman. I request that the applicant confirm for the record their agreement to the proposed development conditions dated January 22, 2015.

Commissioners: Which case?

Commissioner Flanagan: Oh, this is Mirza; SE 2014-MV-020.

Chairman Murphy: – to a date certain of what?

Commissioner Flanagan: No, no. I want to have – I want to have the –

Chairman Murphy: Oh. I didn't hear. We get that sound system again. It threw me – crazy – I can't...

Commissioner Flanagan: Well, what I did was to request that the applicant confirm for the record their agreement to the proposed development conditions dated January 22, 2015.

Kausar Mirza, Owner, Funland Mini Center: Yes, Sir.

Chairman Murphy: Would you please identify yourself for the record with your name and address?

Ms. Mirza: Yes, sir. My name is Kausar Mirza and I'm resident at 9078 Furey Road, Lorton, Virginia, 22079.

Chairman Murphy: And you –

Ms. Mirza: Yes.

Chairman Murphy: – confirm that you understand the development conditions and you understand them.

Ms. Mirza: Yes.

Chairman Murphy: Okay. Thank you very much.

Commissioner Flanagan: And those are the development conditions dated January 22.

Chairman Murphy: – dated January 22.

Commissioner Flanagan: Right. Well, during the public hearing on January 8, 2015, the president of the Laurel Highlands Homeowner Association requested the denial of this SE request because the homeowner association policies governing home occupations do not allow more than one non-resident employee. He also testified that the application does not satisfy a Zoning Ordinance requirement in Section 9-001 that a special exception use be compatible with

existing or planned development in the general area. The Commission deferred the decision to tonight to allow the homeowner association and the applicant to resolve these problems. Distributed tonight is a January 16, 2015 letter from Rees Broome, attorneys for the homeowner association, that resolves those problems. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-020, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 22, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SE 2014-MV-026 – SHAZIA YOUNIS d/b/a CHILDRENZONE HOME CHILD CARE  
(Decision Only) (The public hearing on this application was held on January 7, 2015.)

Commissioner Flanagan: This is SE 2014-MV-026, Shazia Younis.

Shazia Younis, Owner, Childrenzone Home Child Care: Yes, Sir.

Commissioner Flanagan: Mr. Chairman, I also request that the applicant confirm for the record her agreement to the proposed development conditions dated January 21, 2015.

Ms. Younis: Yes, I do.

Chairman Murphy: Would you please identify yourself for the record with your name and address?

Ms. Younis: Yes, sir. My first name is Shazia; last name is Younis. And my property address is 8121 Gilroy Drive, and it's in Lorton, and the zip is 22079.

Chairman Murphy: Okay. Thank you very much.

Ms. Younis: Thank you.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. During the public hearing on January 7, 2015, the president of the Laurel Highlands Homeowner Association requested the denial of this SE request because the homeowner association policies governing home occupations do not allow more than one non-resident employee. He also testified that the application does not satisfy a Zoning Ordinance requirement in Section 9-001 that a special exception use be compatible with existing or planned development in the general area. The Commission deferred the decision to tonight to allow the homeowner association and the applicant to resolve these problems. Distributed tonight is a January 16, 2015 letter from Rees Broome, attorneys for the homeowner association, that resolves those problems. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING

COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-026, SUBJECT TO THE CONDITIONS DATED JANUARY 21, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-026, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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DPA A-502-07/PCA A-502/PRC A-502-03 – LAKE ANNE DEVELOPMENT PARTNERS, LLC Hunter Mill District) (Decision Only) (The public hearing on this application was held on January 7, 2015.)

Commissioner de la Fe: Thank you, Mr. Chairman. The public - - this is on a number of cases related to Lake Anne Development Partners, LLC. They are DPA A-502-07/PCA A-502/PRC A-502-03, all in the name of Lake Anne Development Partners. The public hearing for these cases was held on January 8<sup>th</sup>. There were, if I remember correctly nine speakers and we also received a number of community input through other means, such as letters and emails and so forth. In almost every - - Actually in every case, they supported these cases; however there were some issues that were brought to our attention. The main one related to - by the speakers - related to the assurance - - they're concerned that they have assurances of continued affordability currently enjoyed by the residents there. I have to stress as we have done before that the new development will in fact replace the 181 current units with at least 181 units - possibly under the new proffers up to 185 units - whose income limits will be, at most, below 60 percent of AMI. The proffered percentages are 10 percent below 30 percent of AMI, 20 percent below 50 percent of AMI, and 70 percent below 60 percent of AMI. In addition to these, all of the new market rate units - or the new market rate units will be subject to the 20 percent county policy for affordable dwelling units; so, I believe that the spirit of maintaining the affordability for current and future residents is there right now through the proffers and the - also the work that will have to be done by the

Housing staff to make sure that this does occur. The staff recommended approval; however, they identified a number of issues that they felt needed further attention. One of them had to do with the Parks contribution, which they felt and I felt was too low. During the deferral period it was raised from \$100,000 to \$300,000 and, in a rather lengthy meeting that we had today it was raised to \$500,000. And I will get the – we'll change the proffers tonight to that effect because we haven't - - since the meeting ended at approximately 6:30, we really didn't get a chance to come up with new proffers. You received the proffers last night and today; you received a hard copy for the - - what had been achieved during the deferral period. There were also other issues related to this which relate to transportation improvements that – I mean hard transportation improvements such as the realignment of Village Road, which will require further discussion between numerous parties, which I don't think any further deferral by us or by the Board of Supervisors necessarily would serve - - could be accomplished – but they can be accomplished before the first submissions for, you know, building on this can be handled. The project has undergone an extensive community involvement process and to my knowledge there really are no opponents to this project. The actions that we take tonight are a step forward in a long-envisioned and desired redevelopment of Reston's first center at Lake Anne Village. I would like to ask the applicant's attorney to come forward, identify herself, and remind us of the things that we agreed to tonight.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Thank you, Commissioner de la Fe, members of the Planning Commission. My name is Lynne Strobel. I represent the applicant and we did have a fairly extensive meeting this afternoon and the proffers that were delivered to you by email yesterday – I guess hardcopy today – I think, do address a number of the comments that were in the staff report. As Commissioner de la Fe mentioned we have increased the Parks contribution verbally, up to a total of \$500,000 and that will be reflected in the proffers that go to the Board on Tuesday of next week. There's also kind of some minor tweaking language that we will also accommodate. And I did want to note that I received some comments late last night from the attorney representing LARCA (*Lake Anne Reston Condo Association*) and those will also be incorporated to the extent as agreed upon with staff prior to the Board. But I think that we are in agreement with all the changes.

Commissioner de la Fe: Okay, and can I – while you're up there, can I ask you if you concur with the proposed PRC development condition which is now dated 1/22, because we are deleting one tonight.

Ms. Strobel: Yes, sir, we do.

Commissioner de la Fe: Okay, thank you very much.

Ms. Strobel: Thank you.

Commissioner de la Fe: Mr. Chairman, I know that this is - - I mean, there are - - I can't remember how many pages this is. This is – this is almost as big as the Tysons case, if not even more complicated by the fact that it's in Reston and we have to have PRC plans as well as PCAs and everything else. However this, as I said, is the first step of a number of others that have to be taken. We are also - - I'm going to move on this tonight because of - - the Board of Supervisors must act on this by a certain date. And they only meet once in February, so we hope that they can

act on this next Tuesday, which is when it's currently scheduled. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 5-502 [*sic*], SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED 1/22/15 - - AND THE CHANGE THERE IS THE UPPING OF THE CONTRIBUTION FROM THE ONES YOU RECEIVED THAT SAID \$300,00 TO \$500,000 - - THE PARK CONTRIBUTION; ALSO DPA A-502-07 AND PRC A-502-03, SUBJECT TO THE PROPOSED PRC DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOW 1 - JANUARY 22<sup>ND</sup>, '15. THERE WERE ORIGINALLY TWO CONDITIONS AND WE DELETED THE SECOND CONDITION BECAUSE IT HAS BEEN TAKEN CARE OF BY CHANGING - - CHANGES IN THE PROFFER. Those - That's my motion.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I note with - with satisfaction the presence of a bird-friendly section in the architectural design proffer. Proffers are voluntary. This responsible has some concern for the other creatures living with us on this planet. I urge staff to solicit such proffers as a routine matter. Thank you very much, Mr. Chairman.

Commissioner de la Fe: We have a lot of geese in Lake Anne and we hope that not too many of them get hurt.

Chairman Murphy: Is there further discussion of the motions? All those in favor of the motions as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- WAIVER OF PARAGRAPH 2 OF SECTION 6-306 OF THE ZONING ORDINANCE FOR PRIVACY YARDS A MINIMUM OF 200 FEET FOR BUILDINGS D12 AND D21 THROUGH D24;
- MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE MINIMUM REQUIRED LOADING SPACES FOR RESIDENTIAL, OFFICE, RETAIL, AND OTHER USES TO THAT SHOWN ON THE DPA/PRC PLAN;

- WAIVER OF PARAGRAPH 2 OF SECTION 11-302 OF THE ZONING ORDINANCE ON THE REQUIREMENT THAT NO PRIVATE STREETS IN A RESIDENTIAL DEVELOPMENT SHALL EXCEED 600 FEET IN LENGTH; AND
- WAIVER OF PARAGRAPH 1 OF SECTION 17-305 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND BARRIERS BETWEEN USES AND; FINALLY
- WAIVER 8260-WPFM-001-1 TO PERMIT UNDERGROUND STORMWATER FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.6 OF THE PUBLIC FACILITIES MANUAL, AND SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 8A, DATED JUNE 18, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Each motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SE 2014-SP-053 – ROLLING VALLEY MALL, LLC (Decision Only) (The public hearing on this application was held on December 11, 2014.)

Commissioner Murphy: Mr. Chairman, I have a decision only. Is Ms. Stagg still in the house – and come down please? It is SE 2014-SP-053. The applicant is Rolling Valley Mall, LLC. We had a public hearing. This is for a retail sign and it's a waiver of certain sign regulations at the Rolling Valley Mall. The reason I deferred this - it's in conformance with the Plan and there's no problem with the Zoning Ordinance - but I wanted to be assured that the placement of this sign would not create a blind corner at the corner of Keene Mill Road and Shiplett Boulevard. And I have been assured by our staff and our transportation staff and the – excuse me – the applicant's transportation advisors that this will not be the case. So I'm satisfied that this is in conformance with the Plan and the Zoning Ordinances and should be approved, but before we do that, Ms. Stagg would you please identify yourself for the record with your name and address?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, my name is Inda Stagg. I'm a senior land use planner with Walsh, Colucci.



Commissioner Murphy: Thank you. Do you reaffirm the development conditions in the staff report dated November 25<sup>th</sup> and understand them?

Ms. Stagg: Yes, we do – we do agree to those conditions.

Commissioner Murphy: Okay, thank you very much. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-053, WITH THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT DATED NOVEMBER 25<sup>TH</sup>, 2014.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Mrs. Hedetniemi. Any comments? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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Secretary Hart established the following order of the agenda:

1. SE 2014-MV-045 – ZAHIDA BABAR d/b/a AZEEM DAY CARE
2. SE 2014-SU-061 – SHALINI RAJKUMAR
3. SEA 94-D-002-02 – WESLEY HAMEL LEWINSVILLE, LLC

This agenda was accepted without objection.

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SE 2014-MV-045 – ZAHIDA BABAR d/b/a AZEEM DAY CARE  
– Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 8467 Byers Dr., Alexandria, on approx. 1,400 sq. ft. of land zoned PDH-16 and HC. Tax Map 101-3 ((34)) 127. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Zahida Babar, Owner, Azeem Day Care Home, reaffirmed the affidavit dated July 14, 2014.

There were no disclosures by Commission members.

Megan Duca, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-MV-045.

Commissioner Flanagan noted that the applicant had requested a deferral of the public hearing in order to meet with the homeowners association (HOA) and asked Ms. Duca whether that had occurred. Ms. Duca confirmed that the applicant had met with the HOA, which issued a letter to the applicant saying that they were not opposed to the special exception application. She added that the applicant had agreed to amend the proposal to show only one nonresident employee instead of the originally proposed two. In addition, she stated that there would be up to 11 children in the home day care.

Ms. Babar stated that she concurred with the staff report and agreed with the development conditions therein. She added that she agreed with the conditions regarding the hours of operation and the requirement for one non-resident assistant, as requested by her neighborhood HOA.

When Commissioner Flanagan asked Ms. Babar about a complaint about noise from her neighbor, she explained that it had to do with her own children after the day care hours of operation.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Craig Bauer, 4714 Hanrahan Place, Alexandria, represented the HOA as its vice president and expressed concerns about the number of children at the daycare, since the HOA had been assured there would be ten, including Ms. Babar's children. He added that the HOA was concerned about future parking, if and when the daycare should not have only walk-in customers. He pointed out that the HOA had stipulated to Ms. Babar that the common areas were not to be used by the daycare, but also noted that the HOA did not wish to deny her opportunity for operating a home business.

Chairman Murphy asked Ms. Babar if she would reassure the HOA that she had taken the steps specified in the development conditions and that she agreed with them. She stated that she did and that she agreed with the conditions.

Commissioner Hart requested clarification on the number of children, noting that the conditions said 11, while Mr. Bauer stated that the HOA had stipulated 10. Ms. Duca noted that the HOA had stated in its letter that they were not opposed to the application, but had said nothing about the number of children and, therefore, the conditions would allow a total of 11 children.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

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Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: I think we've already had a confirmation of the covenants –

Chairman Murphy: No, we have to call her back up again.

Commissioner Flanagan: – and the conditions. We don't have to call her back, do we?

Chairman Murphy: Ms. Babar, will you please come back up again and reaffirm that you agree with the development conditions and that you understand them?

Commissioner Flanagan: Is this on verbatim, by the way?

Chairman Murphy: It is.

Zahida Babar, Owner, Azeem Day Care: Yes, sir, I agree with the with the conditions.

Chairman Murphy: And you understand them?

Ms. Babar: Yes, I do.

Chairman Murphy: Okay, thank you very much.

Ms. Babar: Yes, sir.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. With that affirmation, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-045, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SE 2014-SU-061 – SHALINI RAJKUMAR – Appl. under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 4611 Deerwatch Dr., Chantilly, on approx. 1,490 sq. ft. of land zoned PDH-8 and WS. Tax Map 44-2 ((22)) 53. SULLY DISTRICT. PUBLIC HEARING.

Shalini Rajkumar, Applicant, reaffirmed the affidavit dated August 14, 2014.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-SU-061.

Commissioner Litzenberger asked how many children were currently enrolled at the facility. Mr. O'Donnell stated that there were 5, adding that the applicant requested an increase for a total of 12 children.

Ms. Rajkumar stated that she had a state license allowing her to have 12 children and wished to align her county permit with that license.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Donna Berninger, representing Walney Village Homeowners Association (HOA), 14040 Walney Village Court, Chantilly, expressed concern about parking during the extended daycare operating hours. She added that the HOA requested additional language be attached to the application specifying that the applicant's driveway be used for drop-off and pick-up, and preclude double parking. In addition, she noted that the HOA had requested that the application include language that restricts the use of the HOA tot lot.

Commissioner Litzenberger asked Mr. O'Donnell if Ms. Berninger's concerns might be HOA covenant rather than special exception issues. Mr. O'Donnell confirmed that they were and said that the statement of agreement attached to Ms. Berninger's letter, a copy of which is in the date file, conflicted with her testimony during which she requested the applicant not allow clients to park on the street to drop off children.

Commissioner Lawrence asked if it were possible to have the applicant request that clients drive around the block if the driveway is occupied by another client picking up/dropping off a child. Mr. O'Donnell said yes.

Commissioner Hart asked whether it would be safer to have pickup and drop-off taking place in the driveway rather than the street. Mr. O'Donnell stated that it would be safer for it to occur in the driveway.

Ms. Rajkumar said that all drop-offs and pickups were staggered and took place in the driveway, which was empty during operating hours. She added that she also had a guest parking spot that clients could use if the driveway was in use.

Commissioner Flanagan said this application was similar to the previous case and asked if the HOA had imposed covenants. Mr. O'Donnell noted that the HOA had made requests, as noted in Ms. Berninger's letter, and said that the applicant had agreed with them. When Commissioner Flanagan asked about the HOA's request not to use the tot lot, Mr. O'Donnell stated that the lot

was something the applicant could contest, since she had her own yard and the lot was not very close to her property

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this item.

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Chairman Murphy: Public hearing is closed; Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. This is one of those situations where you have to differentiate between the homeowners association covenants and the criteria that the staff operates under. In this case the concerns of the homeowners association really fall under the covenants and the staff confirmed that. When I first got this letter late this afternoon, it jumped out at me that this is more of a covenants issue than a – than a special exception issue. Therefore, Mr. Chairman, I wonder if Ms. Shalini [*sic*] will come back up and reaffirm the proposed development conditions? I'll read this: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21<sup>st</sup>, 2015.

Shalini Rajkumar, Applicant: Sorry?

Commissioner Litzenberger: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21<sup>st</sup>, 2015.

Shalini Rajkumar, Applicant: Yes.

Commissioner Litzenberger: Okay, thank you.

Commissioner Litzenberger: I MOVE THAT PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 21<sup>ST</sup>, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SEA 94-D-002-02 – WESLEY HAMEL LEWINSVILLE, LLC –  
Appl. under Sects. 3-304 and 9-311 of the Zoning Ordinance to  
amend SEA 94-D-002 previously approved for alternate use of  
public facility to permit elderly housing and modifications to site  
and development conditions. Located at 1609 Great Falls St.,  
McLean, on approx. 8.66 ac. of land zoned R-3. Tax Map 30-3  
((1)) 42. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder announced his intent to defer the decision on this application at the end of the public hearing.

Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated December 19, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had had a pending case with Mr. Pritchard's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Suzanne Wright, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SEA 94-D-002-02.

Commissioner Ulfelder asked Ms. Wright to describe the access points to the proposed site. Ms. Wright stated that there would be two entrances to the site from Great Falls Street: one just north of the proposed stormwater pond and another north of the proposed building areas. She said the southern entrance, which was nearer to the pond, would be "full-access," in that drivers could enter and exit and make right and left turns. She said that drivers using the northern access, proposed to be closer to the buildings, would be able to enter and exit the site; however, they would be unable to make left turns into the site from Great Falls street because of a concrete barrier.

When Commissioner Ulfelder asked Ms. Wright what the traffic impacts might be, Ms. Wright stated that she did not know the exact figures, but noted that the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT) had reviewed the application and found the peak hour traffic level to be acceptable.

Commissioner Ulfelder asked if the proposed stormwater facilities would reduce the existing outflow on the southeastern corner of the site. Ms. Wright said yes, adding that the site currently had no stormwater management facilities.

When Commissioner Ulfelder asked Ms. Wright about bicycle facilities, she explained that the applicant would provide a ten-foot-wide multi-use trail along Great Falls Street to accommodate bicycle use. In addition, she said that a U-13 rectangular field would be provided, noting that it would be scheduled like other fields and was not proposed to be lit.

Commissioner Ulfelder asked Ms. Wright about the timing of the transitional screening, she explained that the installation would take place prior to the (non)residential use permit (Non-RUP), adding that improper scheduling might see it installed while construction was ongoing, thereby ensuring its failure.

Commissioner Ulfelder asked how many parking spaces would be provided. Ms. Wright stated that there would be 162 spaces onsite, which exceeded the Zoning Ordinance requirement.

Commissioner Migliaccio asked if the play area was contingent upon the approval of the underground detention facility. Ms. Wright said yes. Commissioner Migliaccio asked Ms. Wright whether the Fairfax County Park Authority (FCPA) had a chance to review the development conditions regarding the play area and, if so, what comments they might have had. Ms. Wright said that while she had sent the plat to FCPA for review she had received no comments. She pointed out that the play area was the Park Authority's recommendation.

Referencing Development Condition Number 25, regarding the dumpster, in the staff report addendum, Commissioner Migliaccio asked whether the hours for trash pick-up might not be too restrictive. Ms. Wright said that the condition was carried over from the previous approval and noted that staff would review it to determine whether it might need revising.

Commissioner Hedetniemi cautioned against assuming that tenants in their fifties would not be driving, adding that should be included in the plans for traffic.

Mr. Pritchard pointed out that Wesley Hamel was a well-known affordable housing provider, adding that 100 percent of the independent living facilities will be affordable at some level; 50 percent AMI or less, which was a key feature of the plan. He stated that both stormwater proposals would reduce the current outfall on the site by 26 percent, and pointed out that there would be 40 percent phosphorous removal to treat the quality of runoff for not only onsite water but three additional acres northwest of the site.

Addressing Mr. Migliaccio's question regarding the play area, Mr. Pritchard said that while the FCPA had expressed its desire to locate a park onsite, the larger detention pond would preclude one. With regard to the parking, Mr. Pritchard stated that a parking study had factored in a request for a waiver for the younger tenants, i.e., under 62 years of age, and said that there had been no measurable distinction in the number of parking spaces. He pointed out that in discussions with traffic consultants, it was revealed that younger tenants living in this type of facility tended to be less likely to drive than others their age. Additionally, he noted that there was a limited number of parking spaces available to the independent living facility and, therefore, the number of trips from the facility would be minimal.

Commissioner Flanagan asked for clarification of the number of independent living units, to which Mr. Pritchard said there were 82. Commissioner Flanagan asked Mr. Pritchard whether the applicant might consider increasing the building height from two to three stories to create more room for a play area. Mr. Pritchard said that doing so might exceed the county's building height limit requirements.

Commissioner Ulfelder noted that the location of the proposed facility in a residential area necessitated that its design blend in with its surroundings and said that the suggested height increase would contradict that goal.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Edward Monroe, 7110 Davis Court, McLean, expressed concern about the onsite stormwater management. He said that a 2008 report had indicated that the nearby stream was significantly degraded in the area and added that the erosion had since worsened and flooding often occurred near his home. He added that nearby homes and those downstream from the site might be negatively impacted by flooding resulting from the proposed development. He requested that the applicant maintain the barrier requirements defined in the Zoning Ordinance, to 35-foot yard widths; designate the EQC along the stream as was identified in a letter to the applicant by a wetlands consultant; maintain the current field as a multi-purpose natural grass field and ensure its future use; and use low-impact development techniques and/or innovative systems that would provide measureable and significant stormwater retention. In addition, he requested that the applicant clarify the current proposed stormwater detention system.

Commissioner Litzenberger asked Mr. Monroe to clarify why he wanted the natural grass field to remain. Mr. Monroe explained that a stream connected Lewinsville Park and McLean High School Community Park and pointed out that the Environment section of the Comprehensive Plan called for the establishment of networks. He said that the installment of a turfed field would serve no ecological function. Commissioner Litzenberger noted that the turf fields reduced injuries by 60 percent and added that natural fields required fertilizer which would then seep into the runoff and into the stream.

Commissioner Ulfelder asked Mr. Monroe to identify where he lived in relation to the subject site. Mr. Monroe indicated the location of his residence on a Fairfax County tax map provided by county staff.

Commissioner Lawrence asked if the site would be in better condition after a stormwater management system was installed. Ms. Wright said yes and explained that there was currently no stormwater management onsite. She added that, although reforestation was not required in this case, staff considered the proposed barriers and revegetation to be satisfactory.

Commissioner Hart asked for clarification on the amount of the applicant's proposed reduction of runoff from the site. Ms. Wright concurred with the applicant's statement and said that it met the requirements in the Public Facilities Manual (PFM) for outfall reduction and water treatment. When Commissioner Hart asked what the PFM requirement would be, Ms. Wright stated that although she could not state the exact requirement, the applicant would be required to provide stormwater management.

When Commissioner Hart asked Mr. Monroe whether he would rather have a clean stream, Mr. Monroe explained that he was more concerned about heavy rain events and the impacts on the stream.



Julian Shepard, 1564 Great Falls Street, McLean, expressed concern about the traffic impacts from the proposed use, adding that traffic on Great Falls Street had tripled over the past 20 years. He stated that the residential properties with driveways affected by the left-turn congestion on Great Falls Street restricted access to/from their driveways during morning and evening rush hours due to blockage from vehicles while waiting to make the left-hand turn to Lewinsville Center. He noted that a traffic study had not been done in the area and requested a deferral on the decision until the traffic issues could be resolved. In addition, Mr. Shepard suggested that the number of left turns into the site should be reduced from two to one to ease the congestion on Great Falls Street.

Commissioner Flanagan asked Mr. Shepard how dense the traffic volume was when the school was on the property Mr. Shepard said that he did not live in the area at that time. He noted that the existing childcare use generated a large amount of traffic, but said that he did not know what the difference in volume would be between the proposed and existing uses.

There was a brief discussion between Commissioner Ulfelder and Mr. Shepard with regard to the proposed accesses wherein Mr. Shepard explained that each access should instead be dedicated one-way to simplify the traffic pattern. Commissioner Ulfelder pointed out that the difference in traffic volume would originate from the proposed additional 60 units for the independent living facility.

Mark Zetts, representing McLean Citizens Association (MCA), 6640 Kirby Court, Falls Church, stated that the MCA had adopted a resolution to oppose the application until the traffic issues could be resolved. He said the proposed use was more intense than the current site and noted that the proposed field would attract over 500 visitors on game days. He stated that the smaller detention pond with the underground vault would be preferable as it would allow for the play area. He pointed out that the special exception amendment approved in 2004 was for elderly tenants aged 62 and older; however, the subject application lowered the age to 55. He stated that this would alter the traffic and parking impacts, since residents in the lower age group would have more active lifestyles and hold jobs that would necessitate ownership of a vehicle. He suggested shared parking arrangements with conditioned hours of operation to ensure parking spaces. He said that there were two walking trails within a mile to a Metro Station, along with bus transit on Great Falls Street; however, he said the residents in this community would not likely walk to the Metro and added that he believed they would drive before taking the bus. He stated that while the applicant's transportation consultant, Gorove/Slade Associates, Inc., had given him a parking tabulation study earlier today, it contained inconsistencies that needed to be resolved prior to Commission action on the application.

Commissioner Ulfelder asked Mr. Zetts if he was asking for specific dedication of the parking spaces, noting that the use would be located in a small area. Mr. Zetts said yes, adding that the facility's younger aged tenants would be more active and should therefore have a limited number of parking spaces.

Commissioner Flanagan and Mr. Zetts briefly discussed the traffic volume with the existing assisted living use. Mr. Zetts pointed out that the traffic impacts from the proposed use could not be compared to the existing use because the age mix was different.

Commissioner Migliaccio asked if any consideration had been given to moving the proposed field to provide a larger play area. Ms. Wright said no, but stated that she planned to discuss it with the applicant during the deferral period.

Commissioner Lawrence noted that while it might be reasonable to assume that younger residents/families would generate more intense vehicular traffic, he was not sure that such an assumption should apply to the age group of the residents proposed for the facilities in the application. Mr. Zetts concurred.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Pritchard.

Mr. Pritchard first addressed Mr. Monroe's concerns, noting that the underground stormwater facility would provide a 20 percent reduction in outflow. He added that the net results of the smaller retention pond with the underground facility would result in the same net amount of water retention and outflow as the larger detention pond. With regard to Mr. Monroe's questions about a turfed field, he said that there were no plans to provide one, but said that if the field were to become turfed, the pond would be modified to handle the water from the field. Additionally, he said that the transitional screening would have no impact on the nearby stream. Addressing Mr. Shepard's remarks regarding traffic, he stated that the proposed access points had been reviewed very carefully by the applicant and county staff and the proposed solution was the best one. He pointed out that the increase in units was 60 units from the existing 22, for a total of 82 independent living units, adding that the increase in traffic could be accommodated. He addressed Mr. Zetts's remarks and said that the analysis given to him earlier today laid out the shared effect of all of the uses on the subject site, pointing out that the weekday peak parking need totaled 101 parking spaces. He added that the applicant would work with staff and the community to develop a parking allocation development condition.

When Commissioner Flanagan asked Mr. Pritchard about overflow parking on Evers Street, Mr. Pritchard stated that the onsite parking exceeded the Zoning Ordinance requirement and said that there should be no overparking issues from residents on Evers Street. He added, however, that a point of contact from Wesley Hamel would be provided to Evers Street residents in the event there were vehicles belonging to residents/visitors of the facility or the sports field. In addition, Mr. Pritchard said that the applicant would also consider a development condition addressing parking.

Commissioner Migliaccio asked Mr. Pritchard if it might be possible to move the field to allow for a larger play area. Mr. Pritchard said the applicant would review the plans during the deferral period to determine if there were any impediments to shifting the field.

Commissioner Ulfelder noted that the proposed field would not be a full-size field and asked staff if it was typical to turf smaller fields. Ms. Wright said that FCPA suggested this field not be turfed, adding that turfed fields tended to also be lighted. When Commissioner Ulfelder asked if a public hearing would be required should the field be changed to turf, Ms. Wright said yes.

Commissioner Flanagan asked Mr. Pritchard if the applicant had considered making a contribution toward the establishment of outdoor space to use for a play area in a more suitable

location. Mr. Pritchard said no and said that during the discussions with staff and the community, the rectangular sports field was determined to be the greatest need. He reiterated that the applicant would review the plans during the deferral period to determine whether the field could be relocated.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. As I mentioned earlier, I'm planning to defer the decision here. Obviously, there are a few issues that still need to be nailed down. I think we've had a pretty good view of what some of those issues are and what some of the suggestions are. And I'm hopeful that within the week we can address some of them in a satisfactory way in the – shown in the in the revised conditions. This – this does have a deadline. We're trying to get to the Board before the end of February with this action, along with a cooperative agreement, so that they can – Wesley Hamel can meet the March 1<sup>st</sup> deadline for filing for Virginia income tax credits in connection with this – with this project. So we're going to try to keep this moving along and hopefully we can get most of these things addressed in the next week. Therefore, I MOVE THAT PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 94-D-002-02, TO A DATE CERTAIN OF JANUARY 29, 2015, WHILE LEAVING THE RECORD OPEN FOR THE SUBMISSION OF WRITTEN COMMENTS.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer the decision only on SEA 94-D-002-02 to a date certain of January 29<sup>th</sup>, say aye.

Commissioners: Aye.

Chairman Murphy: And of course the record remains open for written comment. Opposed? No – no opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

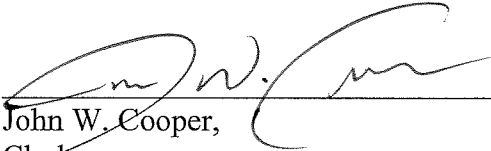
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The meeting was adjourned at 10:34 p.m.  
Peter F. Murphy, Chairman  
James Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: September 17, 2015

A handwritten signature in black ink, appearing to read "John W. Cooper", is written over a horizontal line.

John W. Cooper,  
Clerk,

Fairfax County Planning Commission